IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 17851 of 2007(A)

OS.158/2007 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONER:

C.M.PAREETH, S/O.MAKKAR,
CHETTUKUDIYIL HOUSE, KUTTILANJI KARA,
ERAMALLOOR P.O., KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS:

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1. P.S.NAVAS, PULICKAPARAMBIL HOUSE,
KUTTILANJI, ERAMALLOOR P.O., KOTHAMANGALAM, ERNAKULAM DISTRICT.

2. NELLIKUZHI GRAMA PANCHAYATH,
NELLIKUZHI P.O., KOTHAMANGALAM, ERNAKULAM DISTRICT, REPRESENTED BY SECRETARY.

3. THE DISTRICT MEDICAL OFFICER,
OFFICE OF THE DISTRICT MEDICAL OFFICE,
ERNAKULAM.

BY GOVT. PLEADER SRI.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 17851 OF 2007 A

Dated this the 14th June, 2007

JUDGMENT

Case of petitioner, in brief, is as follows:

Petitioner's elder son has constructed a residential house nearby the property owned by first respondent. According to petitioner, the first respondent is proposing to establish a hollow bricks manufacturing unit in his property which is very close to the residential building of the petitioner's son. It is stated that the distance between the property of petitioner's son and of the first respondsent is 7.37 metres and the well of petitioner's son is situated at a distance of 1.80 metres from the property of first respondsent. The first respondent has constructed a compound wall at a height of ten feet by laying hollow bricks in a single line. According to petitioner, on 29.4.2007 the compound wall of the first respondent has fallen down and the hollow bricks fell into the well of petitioner's son and his motor pump fitted to the well was also damaged and the said aspects could be revealed

from the photographs produced. Petitioner submitted Ext.P6 before second respondent Panchayat. According to petitioner, the first respondent is taking hasty steps to reconstruct the compound wall at a height about ten feet and it causes serious damage to the property of petitioner's son and his family.

2. I heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the first respondent. It is not in dispute that the Panchayat is already made a party by the petitioner in the civil Suit filed by petitioner. In such circumstances, it is for the petitioner to work out his remedy in the said Suit. Without prejudice to whatever remedy the petitioner has in law, this Writ Petition is disposed of.

K. M. JOSEPH, JUDGE

kbk.